

### **Remarks**

Claims 1, 6, 13, 14, 16-19, 25 and 27-29 have been amended, and claims 30-42 have been added. Review and reconsideration in view of the amendments and remarks below are respectfully requested.

Claims 1-6 and 11-29 are rejected as defining obvious subject matter over U.S. Pat. No. 4,614,450 to Neiman in view of U.S. Pat. No. 3,970,397 to Armstrong. Claims 1, 7 and 8-10 are also rejected as defining obvious subject matter over U.S. Pat. No. 6,652,178 to Walton in view of Armstrong, and further in view of U.S. Pat. No. 3,720,304 to Laugherty et al. Accordingly, claim 1 has been amended to specify that the at least one supply sheet has a plurality of index cards forms therein and detachable therefrom. For example, as shown in Fig. 5 of this application, the supply sheet 50 may have a plurality of index cards 55, 56 formed therein and detachable therefrom.

In contrast, the Armstrong reference merely discloses a business card 10 having a plurality of perforations 34, 36, 38, 44 and 46 formed therein. The card 10 can be torn along various the perforations to provide various formatting and shapes to the card 10 such that the card can be inserted into various cardholders (column 2, lines 1-12). In contrast the supply sheet of the present invention provides a plurality of cards and thereby acts as a source for multiple plurality of cards which can be accessed and detached as needed. Accordingly, it is submitted that claim 1, as amended, distinguishes over the cited references.

In addition, it is submitted that the Office action does not provide a sufficient motivation for combining the Armstrong reference with the Neiman or Walton references. More particularly, at paragraph 2 of the Office action, the basis for the proposed combination is that the supply sheet of Armstrong and the system of Neiman would allow "the user to store both the index cards and the supply sheet together." At paragraph 4 of the Office action, it is argued that it would have been obvious to use the storage sheet of Walton with the system of Armstrong "for the purpose of providing storage for both the supply and storage sheets." Finally, in the "Response to Arguments" section, it is argued that it would have been obvious to combine the supply sheet of

Armstrong with the system of Neiman "for the purpose of providing a more convenient system for the user."

However, this motivation for combining references is identical to that cited in this application. For example, at paragraphs [0027] and [0028] it is disclosed that:

[0027] The system 8 of the present invention enables index cards 55 to be easily stored in the index card storage sheet 50 and detached when necessary. Binding the storage sheet 10 and supply sheet 50 together with the front cover 80, back cover 85 and plurality of sheets of paper 90 to form a notebook 100 minimizes the risk that index card 55 will be misplaced. Once the index cards 55 have been detached from index card storage sheet 50, they may be placed in the pockets 15, 20 of the storage sheet 10 so that they are not lost.

[0028] The storage sheet 10 and supply sheet 50 may each include three binding holes 105 positioned along the respective binding edges 30, 70, as shown in Fig. 3. The three binding holes 105 allow a user to place the storage sheet 10 and supply sheet 50 into a three-ring binder, such that the three-ring binder acts as a binding mechanism.

Accordingly, the present application specifically teaches the benefits of using a storage sheet and supply sheet together, and these benefits are simply restated in the Office action. Thus, it is submitted that the Office action has used the Applicants' disclosure as a template to arrive at the planned invention. M.P.E.P. §2145 notes that "Any judgment on obviousness is in a sense a reconstruction based on hindsight reconstruction, but so as it...*does not include knowledge claimed only from Applicants' disclosure*, such a reconstruction is proper." (emphasis added; citing *In re McLaughlin* 443 F.2d 1392, 1395 (CCPA 1971)). In this case, the Office action uses an identical benefit cited in the application to reconstruct Applicants' invention. No independent motivation for combining these references is provided in the Office action. Accordingly, it is submitted that, for this additional reason, claim 1 is patentable over the cited references.

Independent claims 19 and 29 have been amended in a manner similar to claim 1. Thus, it is submitted that those claims also distinguish over the cited art.

New claims 30-41 depend from claims 1, 19 and 29 and add limitations further distinguishing over the cited art.

New independent claim 42 is directed to a system for storing index cards and includes at least one supply sheet and at least one storage sheet. The at least one storage sheet is specified to have at least one pocket sized to closely and completely receive an index card therein. The pocket is also specified to be generally transparent so that the index card that is received therein at least one side of the index card is generally visible through the pocket.


In contrast, it is submitted that the subject matter of claim 1 is not shown in the cited references. More particularly, the Neiman reference does not disclose a pocket size to closely and completely receive an index card therein. Instead, what the Office action has construed as a "pocket" (indicated with reference number 18) is in fact a flat, planar sheet 18. For example, at column 2, lines 43, 48 of Neiman and elsewhere component 18 is referred to as a "sheet 18." The sheet 18 is received in a strip 20 along a lower edge of the strip. The strip 20 can receive a card 25 therein such that the sheet 18 is positioned *adjacent* to the card 25 (see Figs. 2 and 3 of the Neiman reference). Accordingly, there is no indication that the sheet 18 is a pocket, and furthermore, the sheet 18 is not sized to closely and completely receive the index card 25 therein. Thus the subject matter of claim 42 is not shown in the Neiman reference.

The Walton reference does not appear to disclose that the pockets are generally transparent, nor does that reference appear to discuss or recognize the benefits of a generally transparent pocket. Thus the subject matter of claim 42 is not shown in the Walton reference.

Accordingly, it is submitted that the Application is now in a condition for allowance, and a formal notice thereof is respectfully solicited.

The Commissioner is hereby authorized to charge any additional fees required, including the fee for an extension of time, or to credit any overpayment to Deposit Account 20-0809. The applicant(s) hereby authorizes the Commissioner under 37 C.F.R. §1.136(a)(3) to treat any paper that is filed in this Application which requires an extension of time as incorporating a request for such an extension.

Respectfully submitted,

  
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Steven J. Elleman  
Reg. No. 41,733

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THOMPSON HINE LLP  
2000 Courthouse Plaza NE  
10 West Second Street  
Dayton, Ohio 45402  
(937) 443-6838